

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
WEDNESDAY, SEPTEMBER 22, 2004  
AT 7:00 P.M.  
1 OF 19 PAGES

**UNAPPROVED**

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
54111 BROUGHTON ROAD  
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR  
MICHAEL D. KOEHS, CLERK  
MARIE MALBURG, TREASURER  
TRUSTEES: DINO F. BUCCI, JR.  
JANET DUNN  
CHARLES OLIVER

ABSENT: None

Also in attendance: Jack Dailey, Community Planning Consultant  
Larry Dloski, Township Attorney  
James Van Tiflin, Township Engineer of Spalding DeDecker  
Associates. (Additional attendance record on file with Clerk)

Call Meeting to Order

Supervisor BRENNAN called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

1. Roll Call

Clerk KOEHS called the roll call. All Members present.

2. Approval of Agenda Items (with any corrections)

**MOTION by DUNN seconded by OLIVER to approve the amended agenda as discussed.**

**MOTION carried.**

3. Approval of Bills

**MOTION by OLIVER seconded by MALBURG to approve both bill runs as submitted.**

**MOTION carried.**

4. Approval of the September 8, 2004 previous Meeting Minutes

**MOTION by DUNN seconded by MALBURG to approve the September 8, 2004 previous meeting minutes as submitted.**

**MOTION carried.**

5. CONSENT AGENDA ITEMS:

5A. Clerks Department:

1. Approve Release of Ground Sign Bond; Credit Union One; Permanent Parcel No. 08-31-400-043. Receipt No. 31746
2. Approve Release of Wall Sign Bond; Credit Union One; Permanent Parcel No. 08-31-400-043. Receipt No. 31072
3. Approve Release of Wall Sign Bond; Credit Union One; Permanent Parcel No. 08-31-400-043. Receipt No. 31073

5B. Department Monthly Reports

1. Macomb County Sheriffs Department
2. Building Department
3. Fire Department
4. Water/Sewer Department
5. Parks and Recreation Department

5C. Water & Sewer Department:

1. Easement Encroachment Agreement; Jason J. & Kimberly A. Clark. Lot 66 Chelsea Park. Liber 152, Pages 93-99 of Plats. Permanent Parcel No. 08-28-203-001.

**MOTION by KOEHS seconded by BUCCI to approve the consent agenda items as submitted.**

**MOTION carried.**

6. Public Comments (Non Agenda items only - 3 minute time limit)

Public Portion: Wallace Perry, Township resident, addressed his concern regarding the previous part-time Senior Coordinator and suggested the Township consider hiring a future full-time Senior Coordinator.

**PUBLIC HEARING:**

7. Street Lighting Request; SAD; Highland Hills Condominiums; Located on the west side of Romeo Plank Road, ½ mile north of 22 Mile Road. Highland Hills Condominium Association. Petitioner, Section 20

Supervisor BRENNAN opened the public hearing at 7:08 P.M.

Supervisor BRENNAN reviewed the procedures involved with the street lighting request for a special assessment district for Highland Hills Condominiums.

Public Portion: None

**MOTION by MALBURG seconded by DUNN to close the public portion at 7:10 P.M.**

**MOTION carried.**

**MOTION by DUNN seconded by MALBURG to adopt the resolution approving the Street Lighting Request; SAD; Highland Hills Condominiums; Section 20. The resolution is as follows:**

**FOR THIS MOTION: DUNN, MALBURG, BUCCI, OLIVER, KOEHS, BRENNAN.**

**OPPOSED: NONE**

**ABSENT: NONE**

**TOWNSHIP OF MACOMB  
AND  
HIGHLAND HILLS CONDOMINIUMS**

**AGREEMENT FOR ENTRANCEWAY STREET LIGHTING**

**Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall is said Township on September 22, 2004, at 7:00 P.M., Eastern Daylight Savings Time.**

**PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Dino F. Bucci, Jr., Charles Oliver, Janet Dunn**

**ABSENT: None.**

**The following preamble and resolution were offered by Trustee DUNN and supported by Trustee MALBURG.**

**WHEREAS, the Highland Hills Condominiums, desires to provide entranceway street lighting for the benefit of its co-owners; and**

**WHEREAS, the Highland Hills Condominiums are administered by an association of co-owners; and**

**WHEREAS, the Detroit Edison Company will not contract with the Highland Hills Condominiums Association to provide entranceway street lighting; and**

**WHEREAS, the Detroit Edison Company's policy to contract with the municipality for street lighting installed by the Detroit Edison Company in the municipality; and**

**WHEREAS, the Highland Hills Condominium Association has requested that Macomb Township enter into a contract with Detroit Edison to provide entranceway street lighting at the Highland Hills Condominiums; and**

**WHEREAS, the Township Board of Trustees has approved a contract with Detroit Edison for the benefit of the Highland Hills Condominiums upon certain terms and conditions set forth herein; and**

**WHEREAS, in order to provide entranceway street lighting and reimburse Macomb Township for the costs the Township incur as a result of contracting with the Detroit Edison Company to provide entranceway street lighting on behalf of the Highland Hills Condominiums, the Highland Hills Condominium Association agrees to enter into this agreement; and**

**WHEREAS, the Highland Hills Condominium Association will reimburse Macomb Township its costs incurred to Detroit Edison for the construction costs, including labor, materials, overhead, and annual lamp charges that benefit the Highland Hills Condominiums; and**

**WHEREAS, the Highland Hills Condominium Association represents and warrants that the association has the power and authority to contract with Macomb Township for the purpose of reimbursing Macomb Township costs incurred by the Township to the Detroit Edison Company on behalf of the Highland Hills Condominiums; and**

**WHEREAS, the Highland Hills Condominium Association has requested the Detroit Edison Company to furnish, install, operate and maintain entranceway**

street lighting facilities as set forth in the Detroit Edison Company proposal No. 534942 dated December 22, 2003, which is made a part of this agreement;

**NOW THEREFORE,**

- 1. Macomb Township shall execute an Agreement for Municipal Street Lighting with the Detroit Edison Company for the benefit of the Highland Hills Condominiums, the purpose of which will be to furnish, install, operate and maintain entranceway street lighting equipment and facilities in accordance with proposal No. 534942 dated December 22, 2003, attachment A.**
- 2. All costs associated with providing entranceway street lighting to the Highland Hills Condominiums and which costs are paid by Macomb Township directly to the Detroit Edison Company, shall be reimbursed by the Highland Hills Condominiums, upon demand by Macomb Township.**
- 3. The Highland Hills Condominiums understands that the costs to operate and maintain entranceway street lighting facilities set forth in proposal No. 534942 may increase from year to year.**
- 4. The Highland Hills Condominium Association on behalf of the Highland Hills Condominiums agrees to reimburse Macomb Township any increase over the initial contract which may be incurred by Macomb Township to the Detroit Edison Company to provide entranceway street lighting to the Highland Hills Condominiums.**
- 5. The Highland Hills Condominium Association represents and warrants that the Association is vested with authority to enter into this agreement and covenants on behalf of its co-owners to reimburse Macomb Township for any and all payments made by the Township to Detroit Edison Company on behalf of Highland Hills Condominiums.**
- 6. In the event that the Highland Hills Condominiums fail and/or refuse for a period of ten (10) days after demand for payment to reimburse Macomb Township for monies paid on behalf of the Highland Hills Condominiums to Detroit Edison, then Macomb Township may request Detroit Edison to remove the street lights and lighting facilities and any costs that are incurred as a result of said removal shall be the responsibility of the Highland Hills Condominiums.**
- 7. Macomb Township may avail itself of all legal and equitable remedies to collect any amounts which Macomb Township pays to the Detroit Edison Company on behalf of the Highland Hills Condominiums and which amounts have not been reimbursed to Macomb Township, together with all costs incurred by Macomb Township to recover such sums including actual attorney fees.**

UNAPPROVED

8. The Highland Hills Condominiums Association on behalf of itself and each of the co-owners of the Highland Hills Condominiums, agree to hold harmless, indemnify and defend Macomb Township, its trustees, agents and employees from any and all claims, losses, actions, suits, judgments, attorney fees, costs, liabilities and expenses whatsoever which may hereafter be asserted by any person or other entity against Macomb Township for any acts, transactions, or occurrences arising out of the installation and/or operation of street lighting as provided for in this agreement.

**TOWNSHIP OF MACOMB**

**HIGHLAND HILLS CONDOMINIUMS**

By: \_\_\_\_\_  
Michael D. Koehs, Clerk

By: \_\_\_\_\_  
, Its President

By: \_\_\_\_\_  
John D. Brennan, Supervisor

By: \_\_\_\_\_  
,Its Vice-President

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

**WITNESSED:**

**WITNESSED:**

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Pre-Printed Portion of Document  
Drafted by:

After recording return to:

Lawrence W. Dloski  
SEIBERT AND DLOSKI, PLLC  
59 North Walnut, 202 Vicant Building  
Mt. Clemens, MI 48043

Michael D. Koehs, Clerk  
MACOMB TOWNSHIP  
54111 Broughton Road  
Macomb, MI 48042

**RESOLUTION DECLARED ADOPTED.**

**PLANNING COMMISSION:**

8. Rezoning Request; Agricultural (AG) to Community Facilities (CF); Located on the southeast corner of 25 Mile Road and Hayes Road; AC Enterprises, Petitioner. Permanent Parcel No. 08-07-100-015 (*Tabled at the Twp Bd Meeting; 07-14-04 at the petitioners request*)

Jack Dailey, Community Planning Consultant, reviewed the request and the recommendation for denial.

Petitioner Present: Stacy Cerget of Fazal Khan & Associates.

Ms. Cerget reviewed the history of the proposed property involving previous applications denied for rezoning and parcel split requests. Ms. Cerget discussed the current proposal and the intention to develop a Daycare Facility.

Public Portion: None

**MOTION by OLIVER seconded by DUNN follow the Planning Consultants and Planning Commissions recommendation to deny the Rezoning Request; Agricultural (AG) to Community Facilities (CF); Permanent Parcel No. 08-07-100-015.**

**MOTION carried.**

9. Rezoning Request; Agricultural (A-G) to Residential One Family Urban (R-1); Located on the north side of 22 Mile Road, approximately ½ mile east of Hayes Road; Excel Property Co., LLC, Petitioner. Permanent Parcel No. 08-19-400-001

Jack Dailey, Community Planning Consultant, reviewed the request and the recommendation for denial.

Petitioner Present: David Barbour, Attorney & Peter DiNoto

Mr. Barbour reviewed the rezoning request and asked the Board to consider approving the rezoning request.

Public Portion: None

**MOTION by OLIVER seconded by DUNN to follow the Planning Consultants' and Planning Commission's recommendation to deny the Rezoning Request; Agricultural (A-G) to Residential One Family Urban (R-1); Permanent Parcel No. 08-19-400-001.**

**MOTION carried.**

10. Final Preliminary Plat; Parkview Estates Subdivision (24 lots); Located east of Card Road, approximately ¼ mile south of 23 Mile Road; GTR Builders, Inc., Petitioner. Permanent Parcel No. 08-23-100-030

Jack Dailey, Community Planning Consultant, reviewed the request and the recommendation for approval.

Petitioner Present: Chris Cousino of GTR Builders

Public Portion: None

**MOTION by OLIVER seconded by BUCCI to approve the Final Preliminary Plat; Parkview Estates Subdivision (24 lots); Located east of Card Road, approximately ¼ mile south of 23 Mile Road; GTR Builders, Inc., Petitioner. Permanent Parcel No. 08-23-100-030.**

**MOTION carried.**

11. Final Preliminary Plat; Wolverine Country Club (191 lots) Phase 1; Located on the north side of 25 Mile Road between Romeo Plank Road and Luchtman Road; Wolverine 25 Mile, LLC, Petitioner. Permanent Parcel No. 08-05-400-028

Jack Dailey, Community Planning Consultant, reviewed the request and recommended approval.

Petitioner Present: Simone Mauro

Public Portion: None

**MOTION by DUNN seconded by MALBURG to approve the Final Preliminary Plat; Wolverine Country Club (191 lots) Phase 1; Permanent Parcel No. 08-05-400-028.**

**MOTION carried.**

12. Final Preliminary Plat; Brook Run South Subdivision (14 lots); Located on the south side of 22 Mile Road and east of Romeo Plank Road; GTR Builders, Petitioner. Permanent Parcel No. 08-28-101-011

Jack Dailey, Community Planning Consultant, reviewed the request and the recommendation for approval.

Petitioner Present: Chris Cousino of GTR Builders

Public Portion: None

**MOTION by KOEHS seconded by MALBURG to approve the Final Preliminary Plat; Brook Run South Subdivision (14 lots); Permanent Parcel No. 08-28-101-011.**



**MOTION carried.**

13. Final Preliminary Plat; Margherita Estates Subdivision (23 lots); Located on the west side of Card Road and approximately ¼ mile north of 22 Mile Road; Ciro Vitale, Petitioner. Permanent Parcel No. 08-22-400-014

Jack Dailey, Community Planning Consultant, reviewed the request and the recommendation for approval.

Petitioner Present: Daryl Gapshes

Public Portion: None

**MOTION by OLIVER seconded by BUCCI to approve the Final Preliminary Plat; Margherita Estates Subdivision (23 lots); with the condition that the Restrictive Covenants be revised to include the maintenance of the 8' strip between the sidewalk and the curb on the south side of Emanuel Drive from Card Road to the east property line of Lot 9. Permanent Parcel No. 08-22-400-014.**

**MOTION carried.**

**PLANNING COMMISSION:**

*Addition:*

- 13A. Request to reconsider; July 14, 2004 Township Board of Trustees Motion to approve the Final Plat; The Rivers Estates Subdivision; Located on the south side of 23 Mile Road ¼ mile east of Card Road; Sal-Mar Farm Limited Partnership, Petitioner. Permanent Parcel No. 08-23-100-011

Supervisor BRENNAN discussed the reason for the request pertaining to the State of Michigan requirements.

Petitioner Present: David Meckl of Fenn & Associates

Public Portion: None

**MOTION by KOEHS seconded by DUNN to rescind the July 14, 2004, Township Board of Trustees motion to approve the Final Plat; The Rivers Estates Subdivision; Permanent Parcel No. 08-23-100-011.**

**MOTION carried.**

**MOTION by KOEHS seconded by DUNN to approve the Final Plat; The Rivers Estates Subdivision and direct the Township Clerk to sign the mylar reflecting the effective date: 09-22-04. Permanent Parcel No. 08-23-100-011.**

**MOTION carried.**

**NEW BUSINESS:**

14. Sanitary Sewer Diversion; Pine Pointe and Breton Woods Subdivisions; Section 6. MA 04-008.

Jim VanTiflin, Township Engineer, reviewed the request and recommended approval.

Public Portion: None

**MOTION by DUNN seconded by KOEHS to follow the recommendation of Jim VanTiflin, Township Engineer, to approve the Permanent Sanitary Sewer Diversions for Pine Pointe and Breton Woods Subdivisions. Section 6 MA 04-008.**

**MOTION carried.**

Addition:

- 14A. Request to Approve Temporary Certificate of Occupancy for one year; M-59 Mobil Gas Station; Located at 20745 Hall Road. Permanent Parcel No. 08-34-300-024.

Supervisor BRENNAN reviewed the request.

Petitioner Present: Michael Hamame

Public Portion: None

**MOTION by KOEHS seconded by MALBURG to approve the Temporary Certificate of Occupancy for one year for the M-59 Mobil Gas Station; Located at 20745 Hall Road excluding Certificate of Occupancy for the on site car wash. Permanent Parcel No. 08-34-300-024.**

**MOTION carried.**

Addition:

- 14B. Request to Approve Liquor License Transfer; Vegas Bar & Grill; Location: 16780 21 Mile Road.

Supervisor BRENNAN reviewed the request.

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Petitioner Present: Lek Dekaj

Public Portion: None

**MOTION by KOEHS seconded by DUNN to adopt the resolution to approve the Liquor License Transfer from Lek Dekaj to transfer ownership of 2000 Class C Licensed Business; Located in escrow at 30700 Van Dyke, Warren, MI, 48093, Macomb County, from Steak and Ale of Michigan, Inc. (A Texas Corporation); and transfer location governmental unit (MCL 436.1531 (1)) to 16780 Twenty-One Mile Road, Macomb, MI, 48044, Macomb Township, Macomb County. With the condition that all ordinances are met for the Certificate of Occupancy for this building. The resolution is as follows:**

**FOR THIS MOTION: KOEHS, DUNN, MALBURG, OLIVER, BUCCI, BRENNAN.**

**OPPOSED: NONE**

**ABSENT: NONE**

**STATE OF MICHIGAN  
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES  
LIQUOR CONTROL COMMISSION**

**RESOLUTION**

**At a regular meeting of the Macomb Township Board of Trustees called to order by Supervisor John Brennan on September 22, 2004 at 7:00 p.m. the following resolution was offered:**

**Moved by Michael Koehs and supported by Janet Dunn.**

**That the request from LEK DEKAJ. TO TRANSFER OWNERSHIP OF 2000 CLASS C LICENSED BUSINESS; LOCATED IN ESCROW AT 30700 VAN DYKE, WARREN ,MI 48093, MACOMB COUNTY, FROM STEAK AND ALE OF MICHIGAN, INC. (A TEXAS CORPORATION); AND TRANSFER LOCATION GOVERNMENTAL UNIT) (MCL 436.1531(1)) TO 16780 TWENTY ONE MILE, MACOMB, MI 48044, MACOMB TOWNSHIP, MACOMB COUNTY.**

**Be considered for approval contingent upon the applicant receiving final Certificate of Occupancy approval from Macomb Township.**

**APPROVAL**

**Yeas: KOEHS, DUNN, MALBURG,  
OLIVER, BUCCI, BRENNAN**

**Nays: NONE**

**Absent: NONE**

**DISAPPROVAL**

**Yeas: NONE**

**Nays: NONE**

**Absent: NONE**

**It is the consensus of this legislative body that the application be:**

**RECOMMENDED for issuance.**

**STATE OF MICHIGAN  
§  
COUNTY OF MACOMB**

**I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the Macomb Township Board of Trustees at a regular meeting held on September 22, 2004.**

**(Signed)**

**Michael D. Koehs, CMC  
Macomb Township Clerk  
54111 Broughton Road  
Macomb, MI 48042**

**SEAL**

**RESOLUTION DECLARED ADOPTED.**

**WATER/SEWER DEPARTMENT:**

15. Request to Purchase and Replace Department Computer Systems

David Koss, Water & Sewer Department Superintendent, reviewed the request.

Public Portion: None

**MOTION by KOEHS seconded by MALBURG to approve the request to purchase ten (10) new E-4100-C Deluxe Gateway Computers to replace existing hardware in the Township Water & Sewer Department for the Management and Clerical areas**

**for the total cost of Four Teen Thousand Nine Hundred Ninety Nine dollars and 00/100 (\$14,999.00) as submitted.**

**MOTION carried.**

16. Approval of Purchase Requisitions
  - A. East Jordan Iron Works
  - B. National Waterworks

David Koss, Water & Sewer Department Superintendent, reviewed the requests.

Public Portion: None

**MOTION by BUCCI seconded by MALBURG to approve the purchase requisition request through East Jordan Iron Works for hydrant maintenance materials for the total cost of One Thousand One Hundred Eighty Six dollars and 80/100 (\$1,186.80) as submitted.**

**MOTION carried.**

**MOTION by DUNN seconded by OLIVER to approve the purchase requisition request through National Waterworks for watermain maintenance supplies for the total cost of Six Thousand Two Hundred Twenty Eight dollars and 44/100 (\$6,228.44) as submitted.**

**MOTION carried.**

*Addition:*

- 16C. Request to Purchase to purchase 4x4 GMC 2500, 2005 HD Pick-up Truck with a Western Snow Plow

David Koss, Water & Sewer Department Superintendent, reviewed the request.

Public Portion: None

**MOTION by DUNN seconded by OLIVER to approve the request to purchase one (1) 4x4 GMC 2500, 2005 HD Pick-up Truck including a Western Snow Plow and additional equipment for prepping the vehicle through Oakland County Purchasing Department for the total cost of Twenty-Six Thousand Five Hundred Eighty Six dollars and 00/100 (\$26,586.00) as submitted.**

**MOTION carried.**

**BOARD COMMENTS:**

17. Supervisor Comments:  
17A. Township Board Trustee Appointment

Supervisor BRENNAN reviewed the request.

Public Portion: None

**MOTION by OLIVER seconded by DUNN to approve the request to appoint Roger Krzeminski as a Trustee for the Township Board of Trustees.**

**FOR THIS MOTION: OLIVER, DUNN, BUCCI, MALBURG, KOEHS, BRENNAN.**

**OPPOSED: NONE**

**ABSENT: NONE**

**MOTION carried.**

Addition:

- 17B. Request to Authorize the Township Attorney to condemn part of Broughton Road.

Supervisor BRENNAN reviewed the request.

Public Portion: None

**MOTION by KOEHS seconded by MALBURG to approve the request to authorize the Township Attorney to commence the condemnation proceeding for part of Broughton Road approximately 0.8 acres of land located in the current Broughton Road right-of-way.**

**MOTION carried.**

Addition:

- 17C. Request for Township Attorney to file a Circuit Court Action regarding the maintenance of a residential swimming pool located on Millstone Drive in the Township of Macomb. Property Address: 18002 Millstone. Permanent Parcel No. 08-32-401-001.

Supervisor BRENNAN reviewed the request.

Public Portion: None

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**MOTION by DUNN seconded by BUCCI to approve the request and authorize Larry Dloski, Township Attorney, to proceed to file a Circuit Court Action regarding the maintenance of a residential pool. Property Address: 18002 Millstone Drive. Permanent Parcel No. 08-32-401-001**

**MOTION carried.**

Addition:

17D. Personal Leave of Absence Request (Scheff)

Supervisor BRENNAN reviewed the request.

Public Portion: None

**MOTION by DUNN seconded by BUCCI to approve the three (3) month Personal Leave of Absence request for Donald Scheff, Paid-on Call Township Fire Fighter, as submitted.**

**MOTION carried.**

18. Clerk Comments:

Addition:

18A. Request to Adopt Resolution No. 1 to set the Public Hearing Date for October 27, 2004; SAD Detention Basin; Turnberry Pointe Subdivision; Geatano Rizzo, Petitioner. Section 29

Public Portion: None

**MOTION by KOEHS seconded by OLIVER to Adopt Resolution No. 1 to schedule the Public Hearing Date for October 27, 2004 for the Special Assessment District; Detention Basin; Turnberry Pointe Subdivision. Section 29. The resolution is as follows:**

**FOR THIS MOTION: KOEHS, OLIVER, BUCCI, DUNN, MALBURG, OLIVER, BRENNAN.**

**OPPOSED: NONE**

**ABSENT: NONE**

Turnberry Pointe Subdivision

**RESOLUTION NO. 1**

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on October 22, 2004, at 7:00 o'clock P.M., Eastern Daylight Savings Time.

**PRESENT:** John D. Brennan, Michael D. Koehs, Marie E. Malburg, Dino F. Bucci, Jr., Charles Oliver, Janet Dunn.

**ABSENT:** None.

The following preamble and resolution were offered by Member KOEHS and supported by Member OLIVER.

WHEREAS, final plat approval of Turnberry Pointe Subdivision (the "Plat") has been requested by the proprietor(s) thereof; and

WHEREAS, the County Drain Commissioner of Macomb County (the "Drain Commissioner") and the Macomb Township Board (the "Township") have examined the Plat and are willing to approve it on the condition that Section 192, et seq. of the State Land Division Act, (the "Act"), requiring that the proprietor(s) provide a sedimentation basin, is satisfied; and

WHEREAS, Turnberry Pointe Subdivision Association (the "Association") or lot owners are responsible for the maintenance and operation of the sediment basin pursuant to and in accordance with a Declaration of Covenants and Restrictions which will be recorded with the Macomb County Register of Deeds coincident with the recording of Plat; and

WHEREAS, in the event the Association or lot owners refuse, fail or neglect to maintain the sediment basin which results in conditions threatening public health, safety or welfare, thus requiring the Township to abate such conditions; and

WHEREAS, if the Township expends funds to correct such conditions and/or to assume the cost of operating and maintaining the sediment basin, it is desirable that a Special Assessment District be established which will enable the Township to spread the cost upon all property located in such district by the imposition of a special assessment levy; and

WHEREAS, it has been proposed that the special assessment levy for each lot within the Plat be equal to the annual cost of operation and maintenance of the sediment basin multiplied by the fraction, the numerator of which is one (1) and the denominator of which is the total number of lots in the Plat; and;



WHEREAS, pursuant to Sections 192a(2) and 192a(5) of the Act, proper notice must be given and a hearing held on creation of the Special Assessment District and defraying the cost of operating and maintaining the sediment basin by special assessment on the property benefited thereby.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:

1. That, subject to approval at a public meeting, the Township hereby declares a Special Assessment District pursuant to its authority granted by Section 192a of the Act and such Special Assessment District shall consist of a portion of the property contained within the Plat.

2. That the Township Board give notice of and hold a public hearing on October 27, 2004, on the creation of the Special Assessment District and objections thereto, including the defraying of the cost of operating and maintaining the sediment basin by special assessment on the property benefited thereby, shall be discussed. The operation and maintenance of the sediment basin shall include, but not be limited to, the operation and maintenance, the cutting of grass and the removal of weeds and other debris.

3. That the Township Board be and hereby is authorized, empowered and directed to make, execute and deliver any and all instruments and papers and documents and to do and perform any and all acts and things which shall be or become necessary, proper, convenient or desirable to carry out, put into effect or make operative any and all matter and things authorized or permitted to be done in the hereinabove resolution.

AYES: KOEHS, OLIVER, DUNN, BUCCI, MALBURG, BRENNAN.

NAYS: NONE.

ABSENT: NONE.

RESOLUTION DECLARED ADOPTED.

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*Michael D. Koehs, CMC*  
Macomb Township Clerk

#### CERTIFICATE OF CLERK

I hereby certify that the attached constitutes a true and complete copy of a resolution adopted by the Township Board of the Township of Macomb, County of Macomb, State of Michigan, at a Regular meeting held on September 22, 2004, and

that public notice of said meeting was given pursuant to Act 267, Public Acts of Michigan, 1976, including in the case of a special or rescheduled meeting notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

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*Michael D. Koehs, CMC*  
Macomb Township Clerk

**RESOLUTION DECLARED ADOPTED.**

Addition:

18B. Request for the Township Clerk to attend Conference Training

Clerk KOEHS reviewed the request.

Public Portion: None

**MOTION by BUCCI seconded by OLIVER to approve the request for Michael D. Koehs, Township Clerk, to attend Basic Training Clerk Style IIMC Region V 2004 Annual Meeting Conference held in Dayton, Ohio from November 4, 2004 through November 6, 2004 for the total cost of Four Hundred Ninety Seven dollars and 00/100 (\$497.00) including Hotel and the Conference fee (which includes most meals). Additional meals and mileage will be reimbursed based on the Township Reimbursement Policy.**

**MOTION carried.**

Addition:

18C. Request to purchase 48 used voting booths

Clerk KOEHS reviewed the request.

**MOTION by DUNN seconded by OLIVER to approve the request to purchase forty eight (48) used voting booths through ES & S for the total cost of Four Thousand Eight Hundred dollars and 00/100 (\$4,800.00).**

**MOTION carried.**

19. Treasurer Comments: None

20. Trustees Comments: None

**EXECUTIVE SESSION:**

**MOTION by KOEHS seconded by MALBURG to adjourn into Executive Session at 8:07 P.M.**

**MOTION carried.** Meeting reconvened at 8:15 P.M.

21. Hans W. Lohr Family, LLC, et al vs. Township of Macomb, et al  
*(Tabled at the TWP Board Meeting; 09-08-04 per Township Attorney)*

**MOTION by KOEHS seconded by DUNN to authorize Larry Dloski, Township Attorney, John D. Brennan, Township Supervisor and Michel D. Koehs, Township Clerk to sign the consent judgement Hans W. Lohr Family, LLC, et al vs. Township of Macomb, et al.**

**MOTION carried.**

22. Tiamo, et al vs. Township of Macomb  
*(Tabled at the TWP Board Meeting; 09-08-04 per Township Attorney)*

*Agenda item deleted.*

23. M-59 Fairchild LLC, et al vs. Township of Macomb  
*(Tabled at the TWP Board Meeting; 09-08-04 per Township Attorney)*

*Agenda item deleted.*

**ADJOURNMENT:**

**MOTION by BUCCI seconded by OLIVER to adjourn the meeting at 8:17 P.M.**

**MOTION carried.**

Respectfully,

---

John D. Brennan, Supervisor

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Michael D. Koehs, CMC  
Macomb Township Clerk  
MDK/gmb